



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

*ORIGINAL SIGNED BY ARTHUR-JEAN WILLIAMS AUGUST 1, 2003*

**OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES**

Don R. Knowles  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Knowles,

The Office of Pesticide Programs (OPP), U. S. Environmental Protection Agency (EPA), respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) consultation. This consultation request addresses 26 Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened and one pesticide registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for uses within the range of the listed ESUs. The pesticide subject to this request contains the active ingredient phorate, which is registered for insect control in a variety of treatment sites that may occur within the range of listed salmon and steelhead. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility (see enclosure).

Phorate is registered nationally for insect control on corn, cotton, sorghum, wheat, beans, potatoes, hops, flower bulb crops, radishes and sugar beets; wheat has been determined to be not eligible for reregistration. The attached evaluation includes all of these uses except wheat. OPP has determined that the use of phorate, except on potatoes, may affect 22 listed salmon and steelhead ESUs, with three of those being not likely to adversely affect, and will have no effect on four ESUs.<sup>1</sup> For the 19 ESUs that phorate may adversely affect, OPP recommends an approach for deriving and implementing protective measures to avoid jeopardy and limit or eliminate incidental take. OPP requests concurrence on our not likely to adversely affect findings for three ESUs, and a biological opinion for the other 19 ESUs.

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<sup>1</sup> See Memorandum, with attached analysis, from Edward Odenkirchen, Ph.D., Environmental Fate and Effects Division, and Larry Turner, Ph.D., Environmental Field Branch, OPP, EPA, to Arthur-Jean B. Williams, Chief, Environmental Field Branch, OPP, EPA, July 31, 2003 (attached).

The 26 salmon and steelhead ESUs occur throughout western watersheds, except the Colorado River, that drain into the Pacific Ocean. The primary threats for these ESUs have been the continued development of the western states for a variety of human-related activities, including residential and commercial development, agriculture, and forestry, along with genetic swamping of certain ESUs by unrelated hatchery stocks. These activities have resulted in barriers to up stream and down stream migration, loss of available water, reduced water quality, physical modification of aquatic and riparian habitat. Excessive harvesting may also have played a role in their decline. Listing of these salmon and steelhead ESUs has sensitized the public to the need to provide protection. As a result, California has included them in their "Interim Measures" county bulletins for protecting endangered and threatened species, thus providing protection from pesticide use. Washington state has formed a task force which is working with NMFS and others to address pesticide use in that state. Oregon has developed specific projects that involve pesticide use and salmon and steelhead. We are unaware of any specific measures in place in Idaho that address pesticides.

OPP is currently working towards a final endangered species program. We are developing county-specific bulletins to address pesticide use and endangered and threatened species. It is through such county bulletins, along with pesticide label references to these bulletins, that OPP intends as its primary means of implementing its protections for salmon and steelhead and other listed species.

We look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to call me at (703) 305-5239, or your staff may contact my Senior Scientist, Dr. Larry Turner at (703) 305-5007.

Enclosure

Sincerely,

Arthur-Jean B. Williams, Chief  
Environmental Field Branch (7506C)

cc: Craig Johnson